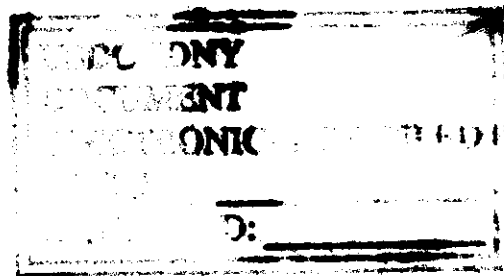


STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
ATTORNEY GENERAL

Writer's Direct Dial:
(212) 416-8568



DIVISION OF STATE COUNSEL
LITIGATION BUREAU

October 1, 2007

By fax: (914) 390-4095

The Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

Re: *Furlong v. Gibson*, 07 CV 3825 (KMK) (GAY)

Dear Judge Yanthis:

Your clerk has just brought to my attention a mistake I made last month, which has apparently created some confusion. I write to try to sort out what happened, and to apologize for the inconvenience I caused the Court.

The Attorney General represents the defendants (the State of New York, the New York State Division of Human Rights, and its Commissioner, Kimmiki Gibson) both in this action and in a related action captioned *Heitzner v. Gibson*, 07-CV-6699 (KMK) (GAY). Both have been referred to Your Honor.

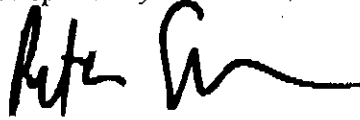
In *Furlong*, defendants sought a premotion conference for a motion to dismiss. By order entered August 15, 2007, Your Honor gave defendants 30 days to file such a motion. On September 10, I wrote to respectfully request (with plaintiff's consent) until October 15 to file that motion, and Your Honor granted that request. (A copy of the endorsed letter is attached.) Unfortunately, although my September 5 letter referred to the case by name to *Furlong v.*

Hon. George A. Yanthis
October 1, 2007
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Gibson, I inadvertently used the docket number assigned to the other case, *Heitzner v. Gibson*, and so the endorsed letter was docketed by the clerk to the wrong case. I will do whatever the Court directs to set this right.

Defendants intend to move to dismiss Ms. Furlong's complaint by filing their motion papers by Your Honor's October 15 deadline. Again, I apologize for the confusion my carelessness caused the Court.

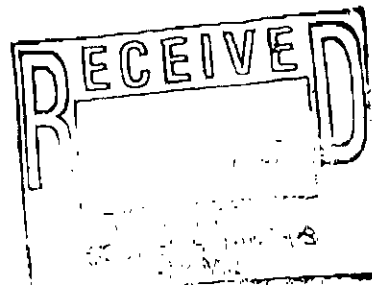
Respectfully submitted,



Peter Sistrom
Assistant Attorney General

Cc: Jonathan Lovett, Esq.

DUPLICATE ORIGINAL

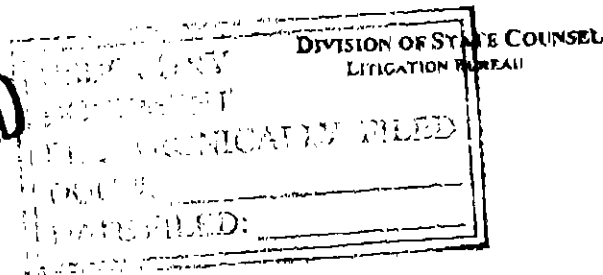


STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

ANDREW M. CUOMO
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MEMO ENDORSED



September 5, 2007

By fax: (914) 390-4095

The Honorable George A. Yanthis
United States Magistrate Judge
United States Courthouse
300 Quarropas Street
White Plains, New York 10601

SO ORDERED:

Grantee:
George A. Yanthis
Hon. George A. Yanthis
United States Magistrate Judge.

Re: *Furlong v. Gibson*, 07-CV-6699 (KMK) (GAY)

Dear Judge Yanthis:

The Attorney General represents the defendants in this action—the State of New York, the New York State Division of Human Rights, and its Commissioner, Kumiki Gibson.

On defendants' behalf—and with the consent of plaintiff's counsel—I write to respectfully request a thirty-day extension of time, to October 15, 2007, to file the motion to dismiss the complaint. Your Honor's order, entered August 15, 2007, gave defendants thirty days to file a motion to dismiss, in lieu of answer. This is the first such request and, as noted, plaintiff's counsel consents.

It is my understanding that although this action was initially assigned in May to the WP4 docket and referred to Your Honor for all purposes pursuant to Standing Order M-10-468, the Court's Clerk on August 6, 2007, transferred it to the calendar of the Honorable Kenneth M. Karas, who in turn referred it to Your Honor.

Hon. George A. Yanthis

Sept. 5, 2007

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Respectfully submitted,



Peter Siström

Assistant Attorney General

Cc: Jonathan Lovett, Esq.